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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/843,250	04/26/2001	Rebecca Parales	875.006US2	7359
21186 75	590 06/18/2002	•		
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.			EXAMINER	
P.O. BOX 2938 MINNEAPOLI	X 2938 APOLIS, MN 55402		RAO, MANJUNATH N	
		;	ART UNIT	PAPER NUMBER
			1652	G
		,	DATE MAILED: 06/18/2002	1

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Sequence Sequence	,	Application No.	Applicant(s)			
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The MALING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Expensions of internative provides and of JCFR 1.158(a). In no event, however, may a reply be timely filled Expensions of internative provides and of JCFR 1.158(a). In no event, however, may a reply be timely filled If the period for reply appelled above is less tran thirty (30) days, a reply within the standary inflicitude of thirty (30) days, will be considered timely. If the period for reply appelled above is less tran thirty (30) days, a reply with the standary inflicitude of thirty (30) days, will be considered timely. If the period for reply appelled above is less tran thirty (30) days, a reply with the standary inflicitude of thirty (30) days will be considered timely. If the period for reply appelled above is less tran thirty (30) days, and the considered timely inflicitude. If the period for reply appelled above is less tran thirty (30) days, and the considered timely inflicitude. A province the specification is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Of the above claim(s) is/are pending in the application. 4) Of claim(s) is/are allowed. 6) Claim(s) is/are objected to. 5) Claim(s) is/are objected to. 8) Claim(s)	Office Action Summary					
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THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1136(a). In no event, however, may a raply be limity filed after SIX (8) MCNTIS from the mailing date of this communication. It NO percolor to resply is pacified above, the maximum asturbury poled will puly and will expens X(6) MCNTIS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ARANDONED (35 U.S.C. § 13). Any reply recorded by the Office set then three membra sets the free membra sets the present set the free membra sets the free membra sets the present sets the free membra sets that the free free free free free free free fr		cars on the cover sheet was the c	orrespondence address			
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-13 and 30-38 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 100 The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Application Papers 9) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for domestic priority under 35 U.S.C. § 119(b) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(e)	 THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 					
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14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 10 Interview Summary (PTO-413) Paper No(s)	application from the International Bureau (PCT Rule 17.2(a)).					
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DETAILED ACTION

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Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-13, 30-37, drawn to NDO polypeptides, classified in class 435, subclass 190.
- II. Claim 38, drawn to an oligonucleotide, classified in class 536, subclass 22.1. The inventions are distinct, each from the other because of the following reasons:

 Inventions I and II are patentably distinct from each other. The polypeptide of group I, the polynucleotide of group II, each comprise amino acid sequences and nucleotide sequences which are chemically unrelated, do not require each other for practice; have separate utilities, such as use of the group I polypeptide to catalyze an oxygenase reaction versus the use of oligonucleotide in a hybridization reaction and are subject to separate manufacture and sale. The groups have acquired separate status in the art and separate fields of search.

Species election

This application contains claims directed to the following patentably distinct species of the claimed invention: NDO polypeptides with mutations at positions 352, or at positions 201, 202, 260, 316, 358, 362, 366 or at positions 201, 202, 260, 316, 358, 362, 366 and 352.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1, 3-13 are generic. Applicants are also advised to elect the single SEQ ID NO associated with the elected species.

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Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manjunath N Rao whose telephone number is 703-306-5681. The examiner can normally be reached on 7.30 a.m. to 4.00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura Achutamurthy can be reached on 703-308-3804. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-4242 for regular communications and 703-308-4242 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0196.

Manjunath N. Rao June 4, 2002